



Charter Lawrence Berkeley National Laboratory Investigations Workgroup Adopted April 28, 2008

The Lawrence Berkeley National Laboratory has adopted and implemented the University of California's Whistleblower Policy for reporting and investigating allegations of suspected improper governmental activities (IGAs) and Whistleblower Protection Policy for protection of whistleblowers from retaliation. Pursuant to these policies, the Laboratory Director has appointed a Locally Designated Official (LDO) to receive whistleblower and whistleblower retaliation complaints, and to have primary responsibility for oversight and implementation of the requirements and procedures for both policies. The Laboratory Director has established the Investigations Workgroup (IWg) to ensure comprehensive intake, evaluation, coordination, and investigation of complaints of alleged improper governmental activity.

Membership of the IWg

The IWg shall be chaired by the Laboratory's LDO. Standing members of the IWg are appointed by the Laboratory Director on the basis of functional responsibility and shall include the Laboratory Counsel, the Research and Institutional Integrity Officer, the department heads of Human Resources, Internal Audit, Workforce Diversity and Security and Emergency Operations. The LDO may appoint others to the IWg, including representatives of the University of California Office of the President; the duration of such appointments will be specified in the appointment letter.

Responsibilities of the IWg

Reports of alleged improper governmental activities are received from numerous identified or anonymous sources, including LBNL management, LBNL employees, other University personnel, DOE personnel, other funding agencies, job applicants and other non-employees. Individual members of the IWg who receive reports of alleged improper governmental activities shall forward such reports to the LDO along with the available facts and a preliminary recommendation as to whether the complaint meets the criteria for investigation under the auspices of the IWg.

Triage

The LDO may designate selected members of the IWg, or convene the full IWg if deemed necessary, to assist in the evaluation of new reports of alleged improper governmental activity to determine:

- whether the complaint, if true, rises to the level of an improper governmental activity, and
- whether the complaint includes, or can be developed to include, sufficient information to conduct an investigation

When the above criteria are met, the LDO will open a case file and initiate an investigation into the matter by the appropriate subject matter expert/s. When the triage criteria are not met, the LDO may:

1. refer the matter for review and monitor progress
2. refer the matter for review and close the case
3. close the matter without further review.

LBNL IWg Charter, cont.

Ongoing Responsibilities of the IWg

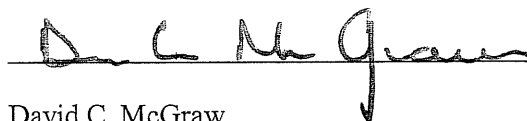
- Ensure that the proper investigative channels are utilized according to appropriate expertise and jurisdiction and that the plan to address the reported improper governmental activities is appropriate to the circumstances (the "triage" process);
- Ensure that all appropriate administrative and senior officials are apprised of the allegations as necessary;
- Ensure that appropriate reporting occurs to the Office of the President, funding and regulatory agencies, whistleblowers and others as necessary or provided by policy;
- Ensure that appropriate resources and expertise are brought to bear to cause the timely and thorough review of reports of allegations of suspected improper governmental activities;
- Ensure that there are no conflicts of interest on the part of any party involved in specific investigations;
- Coordinate and facilitate communications across investigative channels as necessary to ensure comprehensive attention to all facets of the matter;
- Monitor significant elements and progress of investigations to ensure that allegations are timely and thoroughly addressed;
- In an advisory capacity, facilitate the corrective and remedial action that may be initiated in accordance with applicable faculty or staff conduct and disciplinary procedures;
- Maintain the confidentiality of the investigation and the identity of whistleblowers, investigation subjects and investigation participants, to the extent possible within legal requirements and the legitimate needs of the investigation.

IWg Meetings and Case Determinations

The LDO chairs the IWg meetings, which are held at least quarterly. A quorum of at least five IWg members is required to close investigations by simple majority. The Laboratory Counsel will chair IWg meetings and brief the LDO when the LDO is not available to attend IWg meetings. The LDO and the IWg will monitor and be apprised of the progress, factual findings and conclusions of each investigation through closure of the matter.

IWg Staff Support

Reporting to the LDO, the Research and Institutional Integrity Office represents the LDO and IWg internally and externally, staffs the IWg, documents IWg procedures, and manages IWg records and reporting, including meeting agenda and minutes, case logs, case files, and internal and external communications.



David C. McGraw
Associate Laboratory Director / Chief Operating Officer
Locally Designated Official

6.10.2008

date